

058 - PUBLIC DEFENDER

Operational Summary

Mission:

The mission of the Offices of the Public Defender is to provide high quality legal representation to clients in a cost-effective manner.

If the person lacks the resources to hire an attorney, the law requires the appointment of counsel for defendants in criminal cases, minors in Juvenile Court cases, parents in dependency cases, and for a variety of persons in Mental Health cases. The Offices of the Public Defender are dedicated to preserving the constitutional rights of their clients, thereby protecting those important rights for all County residents.

To this end the department provides high quality legal representation in a cost-effective manner to approximately 60,000 clients annually. Approximately 360 dedicated, highly qualified, hard working employees who believe in this ideal strive to achieve the highest level of protection for these clients and to provide the best legal representation they can. This is the mission of the Offices of the Public Defender, delivered in an ethical and responsible manner.

At a Glance:

Total FY 2001-2002 Projected Expend + Encumb:	37,172,600
Total Recommended FY 2002-2003 Budget:	40,623,556
Percent of County General Fund:	1.66%
Total Employees:	362.00

Strategic Goals:

- Enforce and protect the constitutional rights, privileges and freedoms of individuals by providing the highest quality legal advocacy for all clients in the Criminal Courts of Orange County.
- Advocate and protect the rights of individuals by ensuring that they are treated fairly and equitably in the Mental Health Courts of Orange County.
- Provide high quality representation for clients with drug and alcohol cases in the courts of Orange County.
- Advocate the parental rights of clients by providing high quality legal representation in dependency cases.

Key Outcome Measures:

Performance Measure	2001 Business Plan Results	2002 Business Plan Target	How are we doing?
DEVELOP/UTILIZE A PROFICIENCY INDEX AND ESTABLISH BASELINE TO EVALUATE QUALITY REPRESENTATION. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Established model of the Proficiency Index used to evaluate and maintain high quality and efficient representation in all courts. Analyzed compliance with relevant State Bar, NLADA, and American Bar Association Guidelines and worked toward compliance with each of these.	Maintain high quality and efficient representation in all courts and be compliant with relevant State Bar, NLADA, and American Bar Association Guidelines and continue to work toward compliance with each of these.	Development of the Index continues and criteria for consideration is being evaluated by senior managers and staff.

Key Outcome Measures: (Continued)

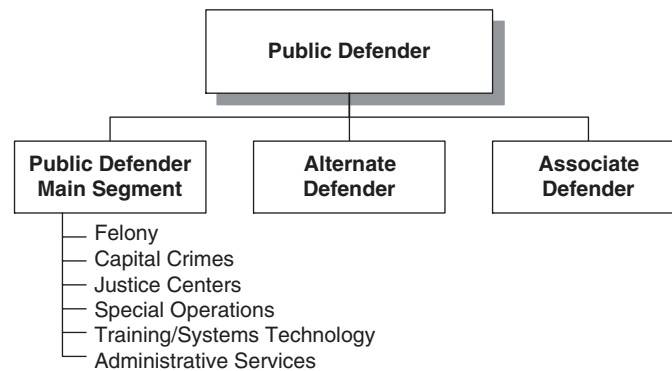
Performance Measure	2001 Business Plan Results	2002 Business Plan Target	How are we doing?
DEVELOP A MENTAL HEALTH PROFICIENCY INDEX AND ESTABLISH BASELINE TO EVALUATE QUALITY REPRESENTATION. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Establish model of the Proficiency Index used to evaluate and maintain high quality and efficient representation in Mental Health courts. Analyze compliance with relevant State Bar, NLADA, and American Bar Assoc. Guidelines and work toward compliance with each of these.	Maintain high quality and efficient representation in Mental Health Courts and be compliant with State Bar, NLADA, and American Bar Assoc. Guidelines and continue to work toward compliance with each of these.	Development of the Index continues and criteria for consideration is being evaluated by senior managers and staff in the Mental Health unit.
PROVIDE HIGH QUALITY REPRESENTATION FOR CLIENTS WITH DRUG AND ALCOHOL CASES IN THE O.C. COURTS. What: Purpose is to provide drug treatment instead of incarceration for certain nonviolent drug offenses. Why: In November of 2000 Proposition 36 passed with over 60%/CA voter approval (61% in Orange County).	Worked with CEO and other agencies to implement Proposition 36 to serve eligible clients through effective drug treatment. Trained all staff on new legislation and implementation process.	Ensure effective representation of clients involved in Proposition 36 drug courts and programs. Seek to add support staff to ensure efficient and appropriate reporting of cases.	Proposition 36 and the drug courts have been very successful in providing treatment programs for qualified individuals. Drug court participation increased by 13% from 2000 to 2001 and has leveled off due to Proposition 36 implementation. Proposition 36 results are not yet available.
DEVELOP A DEPENDENCY PROFICIENCY INDEX AND ESTABLISH BASELINE TO EVALUATE QUALITY REPRESENTATION. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Establish model of the Proficiency Index used to evaluate and maintain high quality and efficient representation in Dependency Courts. Analyze compliance with relevant State Bar, NLADA, and American Bar Assoc. Guidelines and work toward compliance with each of these.	Maintain high quality and efficient representation in Dependency courts and be compliant with relevant State Bar, NLADA, and American Bar Assoc. Guidelines and continue to work toward compliance with each of these.	Development of the Index continues and criteria for consideration is being evaluated by senior managers and staff in the dependency courts.

Fiscal Year FY 2001-2002 Key Project Accomplishments:

- During 2001 the Offices of the Public Defender accomplished its goals in the following manner:
- Goal 1: Ensure delivery of superior quality representation for all clients while maintaining a high level of efficiency.
- Successful implementation of Proposition 36.
- Development of the Proficiency Index.
- A high level of success in cases set for jury trial.
- The number of Drug Court graduates continued to rise.
- Drug Courts operated in every jurisdiction in the County (except the Dependency Courts) with a high level of success.
- Goal 2: Enhance personnel development and evaluate staff and resources to ensure quality legal representation for clients, while maintaining a high level of efficiency.
- Initiated more comprehensive communication methods among all employees.
- 100% of all eligible employees established and completed their Performance Incentive Plan goals.
- 25% of all staff has completed Enlightened Leadership training.
- In-house and outside training opportunities were expanded for all staff.
- 93% of all staff attended training.
- New attorney manual was updated and intensive training provided.

- The successful lunch-time training, where presenters travel to the outlying courts to train on site, was continued and substantially expanded.
- Goal 3: Continue to secure and upgrade the level of computer/technological hardware and software available to and utilized by Public Defender staff, thereby enhancing the ability to deliver quality representation to the clients.
- The brief bank and intranet services have been expanded for utilization by staff.
- Expanded technological research capabilities were obtained for attorney staff.
- 100% of staff has access to technology.
- Technological research and resource tools for Investigators was greatly expanded and made available to more Investigative staff.
- 20% of staff are integrated into the current Case Management System.
- Unanticipated Accomplishments:
- Partnerships in Practice
- In 2001 the department increased its emphasis on creating and utilizing partnerships between management and staff. Progress in this area was significant, and ideas generated through that process have and are being implemented.
- The managers in the Offices of the Public Defender participated in an off-site meeting with a consultant to further develop their leadership skills and to educate them on the importance and the procedures of forming partnerships with their staff. The managers continue to meet monthly with the management group and with their staff to continue to develop their partnerships. The focus of the partnerships is to look at new ways of doing business thus improving the efficiency and quality of service to our clients.
- One such idea involves transitioning the clerical staff, at their suggestion, to a 9/80 work schedule. After considerable work by the Labor-Management Committee (L.M.C.), a six-month trial period for a 9/80 clerical work schedule was initiated in July 2001. One advantage has been to reduce the use of sick leave, as persons working on this schedule make discretionary medical and dental appointments on their regular day off.
- Another innovation arising from the partnership concept is a "peer review" component used in selecting lawyers for promotion to Attorney Level IV. A panel of experienced senior non-management lawyers evaluated candidates and made recommendations, along with those of managing lawyers, that together were used in selecting who to promote.
- Several staff members, in conjunction with CEO/Human Resources, Orange County Employee's Association, and other County Departments, have participated in the Office Services Project regarding Skill Based Pay. The collaboration has been informative and successful as the project is progressing.

Organizational Summary



PUBLIC DEFENDER MAIN SEGMENT - The Offices of the Public Defender consist of three distinct and separate law offices. These are the Public Defender Office, the Alternate Defender Office, and the Associate Defender Office.

The Public Defender Office - The main unit is referred to as the Public Defender Office and is made up of several distinct sections. In the Santa Ana main office at 14 Civic Center Plaza are the felony panel, the writs and appeals section, the W&I Section 6600 section, the capital case section, the training section, the computer systems section and senior managers. In a separate Santa Ana location is the Mental Health section, and in the City of Orange there is a juvenile court branch consisting of the child dependency section and the delinquency section. There are also five branch offices located in Fullerton (North Justice Center), Santa Ana (Central Justice Center), Westminster (West Justice Center), Newport Beach (Harbor Justice Center), and Laguna Niguel (South Justice Center). Attorneys and support staff work at each of these locations. The main unit provides representation in approximately 60,000 cases annually. These include misdemeanor and felony criminal cases, Juvenile Court cases, and Mental Health cases.

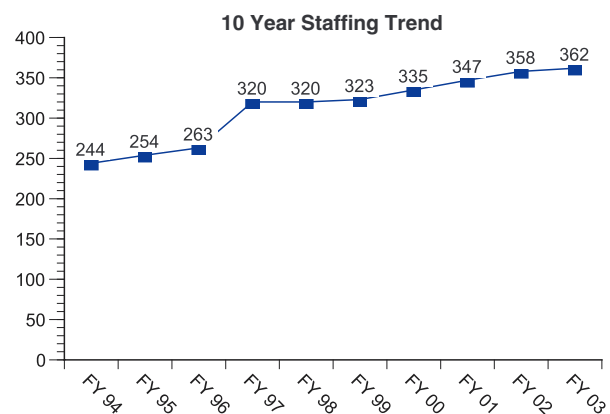
ALTERNATE DEFENDER - The Alternate Defender Office is located in Santa Ana, and handles the first level of conflict cases (except for cases arising in Juvenile Court). There are approximately twenty lawyers employed in the Alternate Defender office, with a full complement of support staff (investigators, interviewers, and clerical personnel prima-

rily). The Alternate Defenders represent clients who, because of a conflict of interest, cannot be represented by the main unit, often because more than one defendant is charged. The Alternate Defender represents about 3,400 clients annually.

ASSOCIATE DEFENDER - The Associate Defender Office is located in Santa Ana and is staffed by one or two lawyers, with a small support staff. This unit handles two or three complex cases (including capital cases) at one time. These are cases that, because of a conflict of interest, would previously have been handled by court-appointed private lawyers at greater cost than under the current system.

PUBLIC DEFENDER EXECUTIVE MGT - Department Head and immediate support staff.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- Staffing trends for the Public Defender often reflect demographic and sociopolitical changes. For example, in January of 1995 County bankruptcy led to the Office of the Public Defender being divided into three independent units at the direction of the Board of Supervisors. The newly created units undertook representation of conflict clients previously represented by court-appointed private lawyers, and the intended effect of this change was to produce annual savings to County taxpayers. The net effect has been millions of dollars in savings.
- Other changes in staffing have occurred in response to and in cooperation with court consolidation, the expansion of the drug courts throughout the County, implementation of Proposition 36, and appropriate representation of clients in the arraignment courts. The net effect has been a small increase in staff size.
- Future changes include additional staff in the Dependency Courts in response to County Counsel staffing increases and demands in the dependency courts by the judiciary. Other trends arise due to changes in legislation, overall population increases in the County, and the anticipated effect of the "echo boom".

ities within the department, particularly with regard to the administrative unit. The Public Defender is actively involved with the Labor Management Committee, the Office Services study, has had three PIP (Performance Incentive Program) trainers, participates on the PIP Implementation Committee, the Enlightened Leadership (EL) Steering Committee, and has had one EL trainer. The Public Defender will continue its commitment to the County Initiatives and Strategic Priorities.

The Public Defender has one County Strategic Priority, the build-out of Building 16 in the Santa Ana Civic Center. The building is currently vacant and underutilized. The Public Defender would like to remodel the building and move staff from presently leased space in Santa Ana.

Changes Included in the Recommended Base Budget:

This department made internal reductions to come as close as possible to the 2002 Strategic Financial Plan Net County Cost (NCC) target. The CEO reduced this budget to meet the NCC target. Causes of the over run, impacts of the CEO reductions and options available to the Board for restoring funding will be discussed during the public budget hearings.

Changes included in the Public Defender recommended base budget include all negotiated salary and benefits changes including increases to the retirement contributions and group health insurance. Changes in services and supplies include the increased costs in professional services, communications, and case related requirements. The Public Defender base budget also includes the positions allocated by the Board of Supervisors to represent clients in the Proposition 36 courts.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The Public Defender has committed staff and support for various County of Orange initiatives such as the new Performance Management System, Enlightened Leadership, Results Oriented Government (ROG) and County restructuring. These initiatives have resulted in many new responsibil-

Requested Budget Augmentations and Related Performance Results:

Unit/Amount	Description	Performance Plan	Ref. Num.
Proposition 36 Attorney staff Amount:\$ 621,577	Continued funding of 5 limited-term Attorney III positions for Proposition 36 cases.	First half year results indicate on target for 4000-5000 cases per year in Prop. 36 courts.	058-001
Continue Current Level of Service Amount:\$ 2,455,690	Fund increases in retirement, health insurance, professional services, and ongoing technology.	Continue to operate at current level of service.	058-006
Proposition 36 support staff request Amount:\$ 123,809	Prop. 36 support staff needed to maintain and process 4000-5000 case file and statistics.	First half year results indicate on target for 4000-5000 cases per year in Prop. 36 courts.	058-002
ITT Staff Adjustment Request Amount:\$ 154,307	Increase staff by 2 System Program Analyst I positions for additions made to Case Management System.	Creation of new modules in system and percentage of system down time.	058-003

Requested Budget Augmentations and Related Performance Results: (Continued)

Unit/Amount	Description	Performance Plan	Ref. Num.
Parental Rights Staff Amount:\$ 566,034	Attorneys and clerk needed for this section due to changes in County Counsel and court demands.	Meet demands of judiciary for appropriate trial preparation and representation of clients.	058-004
Superior Court Resources and Staff Amount:\$ 663,465	Add attorneys and support staff to Superior court section due to increase cases and court demands.	Use of the Proficiency Index to evaluate quality of representation of superior court section.	058-005

Proposed Budget and History:

Sources and Uses	FY 2000-2001 Actual	FY 2001-2002 Final Budget	FY 2001-2002 Projected ⁽¹⁾	FY 2002-2003 Recommended	Change from FY 2001-2002 Projected	
					Amount	Percent
Total Positions	-	358	-	362	4	0.00
Total Revenues	2,615,006	2,837,711	2,637,711	2,625,233	(12,478)	-0.47
Total Requirements	34,152,851	35,786,544	37,432,344	40,623,556	3,191,211	8.53
Net County Cost	31,537,845	32,948,833	34,794,633	37,998,323	3,203,689	9.21

(1) Requirements include prior year encumbrances and expenditures. Therefore, the above totals may not match FY 2001-2002 projected requirements included in "At a Glance" (Which exclude these).

Detailed budget by expense category and by activity is presented for agency: Public Defender in the Appendix on page 428.

Highlights of Key Trends:

- The services of the Public Defender are mandated by the United States Constitution, case law, and State statutes. The Offices of the Public Defender funding increases are a result of negotiated contract changes, increases to retirement contributions and group health insurance, a need for increased services within the courts, professional services for case related work, and ongoing funding for technology, all of which are necessary to the mission and goals of the Public Defender of providing high quality legal representation in a cost effective manner.
- The department has collaborated with other County agencies in the successful implementation of the Proposition 36 courts. Original targets indicated 4000-5000 individuals eligible for treatment under this new law. Results from the first half of this first year indicate we are presently on target. Regular attorney positions and support staff are needed to continue the program as set forth by the Board of Supervisors.
- Additional modules and changes to the Case Management System are scheduled to begin immediately. In order to become more efficient and to allow for work on these new modules, staff positions are needed. Technology continues to be a crucial tool for legal research and case management as well as a tool for communication and training.
- The Parental Rights section of the office needs to meet the pressing demands of the Dependency Courts. County Counsel doubled its staff this past year which has created a backlog of trials set in these courts. Public Defender staff has been criticized by the courts for the lack of ability to process cases more quickly. The additional staff requested is to meet these demands. The department seeks reimbursement for all staff positions in the Parental Rights section from State Trial Court Funding therefore, there will be reimbursement for these new positions in year 2003.
- Unfortunately, the department has little or no impact on legislative changes, population growth, and the expected results of "echo boom" all of which create demands in the courts. The Public Defender will continue to work closely with the courts, other County agencies, and the County Executive Office to streamline processes and coordinate efforts to promote efficiency of staff. Attorneys and support staff are needed to meet these demands, adjust to legislative changes, and accommodate for the annual increase to the County population and the expected increase of work as a result of the "echo boom".

- The Offices of the Public Defender are committed to the successful completion of the department's goals and implementation of County Initiatives. The staff is dedicated to the work of defending the rights of the clients and of all residents of Orange County.

Budget Units Under Agency Control

No.	Agency Name	Public Defender Main Segment	Alternate Defender	Associate Defender	Public Defender Executive Mgt	Total
058	Public Defender	36,301,351	3,568,389	488,765	265,051	40,623,556
15N	Delta Special Revenue	57,639	0	0	0	57,639
	Total	36,358,990	3,568,389	488,765	265,051	40,681,195